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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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SECUNDIO BUENO BARBOZA, §  
§  
Movant, §  
§  
versus § CIVIL ACTION NO. 1:13-CV-203  
§  
§  
UNITED STATES OF AMERICA, §  
§  
Respondent. §

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Secundio Bueno Barboza, formerly an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion to vacate. The magistrate judge recommends the motion to vacate be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this motion to vacate.

SIGNED at Beaumont, Texas, this 26th day of January, 2016.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE